



Practitioner's Docket No. 2166CON2C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Astricia Lewis
#6/105
11.05.02

In re application of:	Golden et al.)	
)	
Serial No.:	09/490,362)	Group No. 3622
)	
Filing Date:	January 24, 2000)	Examiner: Raquel Alvarez
)	
For:	INTERACTIVE MARKETING)	Docket No.: 2166CON2C
	NETWORK AND PROCESS USING)	
	ELECTRONIC CERTIFICATES)	

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL OF PREVIOUSLY CITED REFERENCES
IN PREDECESSOR APPLICATIONS

Dear Sir:

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Pursuant to 37 CFR 1.97 and MPEP § 2280, Applicants submit herewith a list of patents, publications and other information, copies of which have been previously provided on October 17, 2002 in co-pending Reexam Control Nos. 90/005,641 (Granted February 18, 2000) and 90/005,773 (Granted July 17, 2000), or in one of the following co-pending predecessor applications to the instant application, including:

- 1) Serial No. 08/507,693 filed July 25, 1995 - issued as Patent No. 5,761,648 on June 2, 1998
- 2) Serial No. 09/073,334 filed May 6, 1998 (now abandoned)
- 3) Serial No. 09/290,441 filed April 13, 1999 (now abandoned)
- 4) Serial No. 09/484,290 filed January 18, 2000

and which the Examiner is asked to consider in the examination of this application.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. §1.97(g)), an admission that the information cited is, or is considered to be material to patentability (37 C.F.R. §1.97(h)), or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any matter. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Disclosure Incident to Litigation

Pursuant to MPEP §§ 2001.06(c), 2282, Applicants provide this summary concerning litigation.

United States Patent No. 5,761,648, resulting from parent application U.S. Serial No. 507,693, filed July 25, 1995, is currently involved in two lawsuits pending in the Northern District of Illinois, Eastern Division, brought by Applicants' assignee, coolsavings.com inc. ("Coolsavings") against alleged infringers of the '648 patent:

- (1) COOLSAVINGS.COM INC., Plaintiff, v. CATALINA MARKETING CORPORATION and SUPERMARKETS ONLINE, INC., Defendants. (Case No. 98 C 6668, Judge John F. Grady, Magistrate Judge Nolan)
- (2) COOLSAVINGS.COM INC., Plaintiff, v. BRIGHTSTREET.COM, INC., Defendant. (Case No. 99 C 5499, Honorable Judge Norgle, Magistrate Judge Keys)¹

The defendants in these cases, as well as other cases involving the '648 patent that have since settled, have made a variety of arguments in support of their position that the '648 patent is invalid and/or unenforceable due to the commission of inequitable conduct. Applicants previously attached the pleadings (complaints, answers, counterclaims) for each of the lawsuits involving the '648 patent at Tab A to the IDS filed in Reexam Control No. 90/005,641 on September 27, 2000 ("the Reexam IDS"). Applicants also attached all relevant portions of all interrogatory responses from each of these

¹ The case is now on appeal to the Federal Circuit Court of Appeal as a result of the August 8, 2002 Appeal filed by defendant.

defendants in each of these lawsuits, as they relate to the defendants' alleged invalidity and/or unenforceability defenses, at Tab B to the Reexam IDS. Finally, Applicants attached briefing pertaining to a new matter argument raised by one defendant by way of summary judgment at Tab C to the Reexam IDS.

Of the four other lawsuits recited at page 2 of the Reexam IDS, each has settled. In each case, the settling defendant (E-Centives et al., Planet U et al., H.O.T. Coupons and IQ.Commerce) acknowledged the validity and enforceability of the '648 patent (or in H.O.T. Coupons' case agreed not to challenge it during the period of license). Substantial payments have been made in some of these cases as part of the settlements.

It is believed that all art cited by the defendants in these lawsuits has been disclosed previously or is submitted as a part of this IDS.

Applicants note that a defendant in one of the lawsuits, Brightstreet, has advised Coolsavings that it owns a pending patent application in which it has submitted for examination the same claims recited in the '648 patent which are now under reexamination in this proceeding. Coolsavings does not know the serial number of this Brightstreet application, but believes it may be related to Brightstreet United States Patent Numbers 6,321,208 B1 and 6,336,099 B1, which the Examiner is asked to consider with regard to the prosecution of this application.

As noted in the Reexam IDS, Applicants are concerned that one or more of the defendants will attempt to raise inequitable conduct defenses based on a perceived failure to disclose information; thus, Applicants request the Examiner's assistance and guidance to ensure a full and complete disclosure consistent with the rules and MPEP regulations.

Here is a list of patents and publications, copies of which were submitted on October 17, 2002 in an Information Disclosure Statement for Co-Pending Reexam Control Nos. 90/005,641 (Granted February 18, 2000) and 90/005,773 (Granted July 17, 2000). (Reexamination of United States Patent No. 5,761,648.) Copies of the PTO-1449 documents submitted are attached.

United States Patent Documents

AA: 4,672,377 issued in June of 1987 to Murphy et al.
AB: 4,673,802 issued in June of 1987 to Ohmae et al.
AC: 4,747,050 issued in May of 1988 to Brachtl et al.
AD: 4,855,908 issued in August of 1989 to Shimoda et al.
AE: 4,862,350 issued in August of 1989 to Orr et al.
AF: 5,025,372 issued in June of 1991 to Burton et al.
AG: 5,208,742 issued in May of 1993 to Warn
AH: 5,253,345 issued in October of 1993 to Fernandes et al.
AI: 5,297,026 issued in March of 1994 to Hoffman
AJ: 5,388,165 issued in February of 1995 to Deaton et al.
AK: 5,513,102 issued in April of 1996 to Auriemma
BA: 5,515,270 issued in May of 1996 to Weinblatt
BB: 5,537,314 issued in July of 1996 to Kanter
BC: 5,721,908 issued in February of 1998 to Lagarde et al.
BD: 5,806,045 issued in September of 1998 to Biorge et al.
BE: 4,859,414 issued in January of 1999 to Grimes et al.
BF: 5,864,825 issued in January of 1999 to Kobayashi et al.
BG: 5,870,723 issued in February of 1999 to Pare, Jr. et al.
BH: 5,918,014 issued in January of 1999 to Robinson
BI: 5,923,552 issued in July of 1999 to Brown et al.
BJ: 5,970,472 issued in October of 1999 Allsop et al
BK: 5,982,891 issued in November of 1999 to Ginter et al.
CA: 5,982,892 issued in November of 1999 ro Hicks et al.
CB: 5,987,504 issued in November of 1999 to Toga
CC: 5,992,888 issued in November of 1999 to North et al.
CD: 5,995,015 issued in November of 1999 to DeTemple et al.
CE: 5,999,912 issued in December of 1999 to Wodarz et al.
CF: 5,999,914 issued in December of 1999 to Blinn et al.
CG: 6,009,410 issued in December of 1999 to LeMole et al.
CH: 6,012,039 issued in January of 2000 to Hoffman et al.
CI: 6,026,369 issued in February of 2000 to Capek
CJ: 6,029,142 issued in February of 2000 to Hill
CK: 6,047,263 issued in April of 2000 to Goowin, III
DA: 6,076,068 issued in January of 2000 to DeLapa et al.
DB: 6,105,002 issued in August of 2000 to Powell
DC: 6,237,145 B1 issued in May of 2001 to Narasimhan et al.
DD: 6,321,208 B1 issued in November of 2001 to Barnett et al.
DE: 6,336,099 B1 issued in January of 2002 to Barnett et al.

Foreign Patent Documents

AL: **WO 93/12566** Patent Cooperation Treaty document dated August of 1993
AM: **WO 94/27231** Patent Cooperation Treaty document dated November of 1994
AN: **WO 95/16971** Patent Cooperation Treaty document dated June of 1995
AO: **WO 97/23838** Patent Cooperation Treaty document dated July of 1997
AP: **WO 97/31322** Patent Cooperation Treaty document dated August of 1997
BL: **WO 98/18093** Patent Cooperation Treaty document dated April of 1998
BM: **EP0512509A2** European Patent Publication of November 1992
BN: **EP0822535A2** European Patent Publication of February 1998
BO: **7-306654** Japanese Patent Publication from 1995 (No translation available)
BP: **8-115361** Japanese Patent Publication from 1996 (No translation available)
CL: **9-231263** Japanese Patent Publication from 1997 (No translation available)
CM: **10-143563** Japanese Patent Publication from 1998 (No translation available)
CN: **10-187320** Japanese Patent Publication from 1998 (No translation available)

Other Publications

AR: 9/19/1999 Memorandum Re: Phase 1 Functional Requirements for Catalina Online
AS: Nekkei Multimedia for Business SEPTEMBER 1998 No. 38 (Japanese Publication - no translation available)
AT: Nekkei Multimedia for Business MARCH 1998 No. 32 (Japanese Publication - no translation available)

Full English translations of the Japanese patents and publications listed above are not available to the patent owner, but these patents and publications were provided since they are believed to be generally relevant to the reexamination. English translations of the abstracts of the patents were provided, and summary translations of the publications will be provided in the near future.

Applicants further submit herewith a list of patents, publications and other information, copies of which previously provided in co-pending Reexam Control Nos. 90/005,641 (Granted February 18, 2000) and 90/005,773 (Granted July 17, 2000), or in one of the following co-pending predecessor applications to the instant application, including:

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- 2) Serial No. 09/073,334 filed May 6, 1998 (now abandoned)
- 3) Serial No. 09/290,441 filed April 13, 1999 (now abandoned)
- 4) Serial No. 09/484,290 filed January 18, 2000

and which the Examiner is asked to consider in the examination of this application.

PREVIOUSLY SUBMITTED U.S. PATENT DOCUMENTS

<u>PATENT NO.</u>	<u>INVENTOR</u>	<u>ISSUE DATE</u>
2,995,727	Quade et al.	08/1961
3,316,536	Andrews et al.	04/1967
3,318,428	Klein	05/1967
3,426,326	Goldstein	02/04/69
3,465,289	R.L. Klein	09/02/69
3,505,646	Affel	04/07/70
3,526,308	Thomas	09/1970
3,606,688	J. Zawels et al.	09/21/71
3,737,631	Harris	06/05/73
3,770,941	Gechele et al.	11/06/73
3,771,132	Biewer	11/06/73
3,777,410	Robinson	12/11/73
3,848,193	Martin et al.	11/12/74
3,889,062	Epstein	06/10/75
3,899,775	Larsen	08/12/75
3,959,624	Kaslow	05/22/76
3,987,398	Fung	10/19/76
4,002,886	Sundelin	01/11/77
4,004,354	Yamauchi	01/25/77
4,012,132	Lazarus	03/15/77
4,014,004	Fuller	03/22/77
4,044,380	Justice et al.	08/23/77
4,071,697	Bushnell et al.	01/31/78

PREVIOUSLY SUBMITTED U.S. PATENT DOCUMENTS Continued...

<u>PATENT NO.</u>	<u>INVENTOR</u>	<u>ISSUE DATE</u>
4,071,740	Gogulski	01/31/78
4,141,078	Bridges, Jr. et al.	02/20/79
4,166,540	Marshall	09/04/79
4,170,782	Miller	10/19/79
4,186,413	Mortimer	01/29/80
4,186,438	Benson et al.	01/29/80
4,208,652	Marshall	06/17/80
B1 4,210,961	Whitlow et al.	10/01/96
4,224,644	Lewis et al.	09/23/80
4,245,468	Fondacci	01/20/81
4,247,759	Yuris et al.	01/27/81
4,264,924	Freeman	04/28/81
4,268,744	McGeary	05/19/81
4,271,351	Bloodworth	06/02/81
4,281,762	Hattermer	08/1981
4,287,592	Paulish et al.	09/01/81
4,288,809	Yabe	09/08/81
4,290,688	Call	09/22/81
4,305,101	Yarbrough et al.	12/08/81
4,307,446	Barton et al.	12/22/81
4,331,973	Eskin et al.	05/25/82
4,331,974	Cogswell et al.	05/25/82
4,338,644	Staar	07/06/82
4,347,498	Lee et al.	08/31/82
4,355,372	Johnson et al.	10/19/82
4,359,631	Lockwood et al.	11/16/82
4,373,133	Clyne et al.	02/08/83
4,381,522	Lambert	04/26/83

PREVIOUSLY SUBMITTED U.S. PATENT DOCUMENTS Continued...

<u>PATENT NO.</u>	<u>INVENTOR</u>	<u>ISSUE DATE</u>
4,396,985	Ohara	08/02/83
4,404,589	Wright, Jr.	09/13/83
4,405,946	Knight	09/20/83
4,412,631	Haker	11/01/83
4,429,385	Cichelli et al.	01/31/84
4,449,186	Kelly et al.	05/15/84
4,451,701	Bendig	05/29/84
4,458,320	Sutton	07/03/84
4,476,488	Merrell	10/09/84
4,484,302	Cason et al.	11/20/84
4,484,328	Schlaflly	11/20/84
4,488,179	Krüger et al.	12/11/84
4,500,880	Gomersall et al.	02/19/85
4,529,870	Chaum	07/16/85
4,532,554	Skala	07/30/85
4,536,791	Campbell et al.	08/20/85
4,546,382	McKenna et al.	10/08/85
4,554,446	Murphy et al.	11/19/85
4,567,359	Lockwood	01/28/86
4,573,072	Freeman	02/25/86
4,575,579	Simon et al.	03/11/86
4,588,881	Pejas et al.	05/13/86
4,592,546	Fascenda et al.	06/03/86
4,593,904	Graves	06/10/86
4,597,046	Musmanno et al.	06/24/86
4,602,279	Freeman	07/22/86
4,603,232	Kurland et al.	07/29/86
4,608,601	Schreck et al.	08/26/86

PREVIOUSLY SUBMITTED U.S. PATENT DOCUMENTS Continued...

<u>PATENT NO.</u>	<u>INVENTOR</u>	<u>ISSUE DATE</u>
4,625,275	Smith	11/25/86
4,626,844	Mann et al.	12/02/86
4,630,108	Gomersall	12/16/86
4,635,132	Nakamura	01/06/87
4,636,950	Caswell et al.	01/13/87
4,641,205	Beyers, Jr.	02/03/87
4,642,767	Lerner	02/10/87
4,658,290	McKenna et al.	04/14/87
4,659,073	Leonard	04/1987
4,669,730	Small	06/02/87
4,670,853	Stepien	06/02/87
4,674,041	Lemon et al.	06/16/87
4,677,466	Lert, Jr.	06/30/87
4,691,351	Hayashi et al.	09/01/87
4,691,354	Palminteri	09/01/87
4,699,532	Smith	10/13/87
4,701,794	Fröling et al.	10/20/87
4,703,423	Bado et al.	10/27/87
4,706,080	Sincoskie	11/10/87
4,706,121	Young	11/10/87
4,713,761	Sharpe et al.	12/15/87
4,723,212	Mindrum et al.	02/02/88
4,724,307	Dutton et al.	02/1988
4,733,301	Wright, Jr.	03/22/88
4,734,858	Schlaflly	03/29/88
4,738,441	Leonard	04/1988
4,745,468	Von Kohorn	05/1988
4,748,684	Wright, Jr.	05/31/88

PREVIOUSLY SUBMITTED U.S. PATENT DOCUMENTS Continued...

<u>PATENT NO.</u>	<u>INVENTOR</u>	<u>ISSUE DATE</u>
4,750,151	Baus	06/07/88
4,751,578	Reiter et al.	06/14/88
4,751,669	Sturgis et al.	06/14/88
4,752,675	Zetmeir	06/1988
4,752,877	Roberts et al.	06/1988
4,759,063	Chaum	07/19/88
4,764,666	Bergeron	08/1988
4,768,110	Dunlap et al.	08/30/88
4,774,663	Musmanno et al.	09/27/88
4,775,935	Yourick	10/04/88
4,787,037	Ootsuka	11/22/88
4,789,235	Borah	12/06/88
4,791,281	Johnsen et al.	12/13/88
4,792,018	Humble et al.	12/20/88
4,794,530	Yukiura et al.	12/27/88
4,799,156	Shavit	01/1989
4,805,134	Calo et al.	02/14/89
4,807,031	Broughton et al.	02/21/89
4,812,986	Smith	03/14/89
4,815,030	Cross et al.	03/21/89
4,815,741	Small	03/28/89
4,816,904	McKenna et al.	03/28/89
4,821,101	Short	04/11/89
4,821,102	Ichikawa et al.	04/11/89
4,823,122	Mann et al.	04/18/89
4,825,045	Humble	04/25/89
4,829,569	Seth-Smith et al.	05/09/89
4,833,308	Humble	05/23/89

PREVIOUSLY SUBMITTED U.S. PATENT DOCUMENTS Continued...

<u>PATENT NO.</u>	<u>INVENTOR</u>	<u>ISSUE DATE</u>
4,843,546	Yoshida et al.	06/27/89
4,847,690	Perkins	07/11/89
4,850,007	Marino et al.	07/18/89
4,853,882	Marshall	08/01/89
4,858,000	Lu	08/15/89
4,866,700	Berry et al.	09/12/89
4,868,866	Williams, Jr.	09/19/89
4,870,596	Smith	09/26/89
4,872,113	Dinerstein	10/1989
4,873,662	Sargent	10/10/89
4,876,592	Von Kohorn	10/1989
4,882,675	Nichtberger et al.	11/1989
4,882,724	Vela et al.	11/21/89
4,887,208	Schneider et al.	12/12/89
4,890,321	Seth-Smith et al.	12/26/89
4,894,784	Smith	01/16/90
4,896,791	Smith	01/30/90
4,908,707	Kinghorn	03/13/90
4,908,713	Levine	03/13/90
4,908,761	Tai	03/13/90
4,910,672	Off et al.	03/20/90
4,914,698	Chaum	04/03/90
4,922,522	Scanlon	05/01/90
4,926,255	Von Kohorn	05/1990
4,926,256	Nanba	05/15/90
4,926,480	Chaum	05/15/90
4,929,819	Collins, Jr.	05/29/90

PREVIOUSLY SUBMITTED U.S. PATENT DOCUMENTS Continued...

<u>PATENT NO.</u>	<u>INVENTOR</u>	<u>ISSUE DATE</u>
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4,937,742	Marshall	06/26/90
4,937,853	Brule et al.	06/26/90
4,947,430	Chaum	08/07/90
4,949,256	Humble	08/1990
4,959,686	Spallone et al.	09/25/90
4,959,783	Scott et al.	09/25/90
4,965,437	Nagai	10/23/90
4,972,504	Daniel, Jr. et al.	11/20/90
4,973,952	Malec et al.	11/27/90
4,974,149	Valenti	11/27/90
4,974,170	Bouve et al.	11/27/90
4,975,904	Mann et al.	12/04/90
4,975,905	Mann et al.	12/04/90
4,975,951	Bennett	12/04/90
4,977,455	Young	12/11/90
4,982,337	Burr et al.	01/01/91
4,982,346	Girouard et al.	01/01/91
4,984,156	Mekata	01/08/91
4,987,486	Johnson et al.	01/22/91
4,987,593	Chaum	01/22/91
4,991,011	Johnson et al.	02/05/91
4,992,940	Dworkin	02/12/91
4,994,908	Kuban et al.	02/19/91
4,996,705	Entenmann et al.	02/26/91
5,001,554	Johnson et al.	03/19/91
5,003,384	Durden et al.	03/26/91

PREVIOUSLY SUBMITTED U.S. PATENT DOCUMENTS Continued...

<u>PATENT NO.</u>	<u>INVENTOR</u>	<u>ISSUE DATE</u>
5,003,472	Perrill et al.	03/26/91
5,008,853	Bly et al.	04/16/91
5,010,485	Bigari	04/23/91
5,014,125	Pocock et al.	05/07/91
5,014,212	Smith	05/07/91
5,025,139	Halliburton, Jr.	06/18/91
5,034,807	Von Kohorn	07/1991
5,039,848	Stoken	08/13/91
5,047,614	Bianco	09/10/91
5,048,833	Lamle	09/17/91
5,053,889	Nakano et al.	10/01/91
5,056,019	Schultz et al.	10/08/91
5,057,915	Von Kohorn	10/1991
5,058,108	Mann et al.	10/15/91
5,060,185	Naito et al.	10/22/91
5,063,610	Alwadish	11/05/91
5,069,453	Koza et al.	12/03/91
5,070,404	Bullock et al.	12/03/91
5,075,771	Hashimoto	12/24/91
5,077,607	Johnson et al.	12/31/91
5,083,272	Walker et al.	01/21/92
5,093,718	Hoarty et al.	03/03/92
5,099,319	Esch et al.	03/24/92
5,099,422	Foresman et al.	03/24/92
5,105,184	Pirani et al.	04/14/92
5,111,196	Hunt	05/05/92
5,111,927	Schulze, Jr.	05/12/92

PREVIOUSLY SUBMITTED U.S. PATENT DOCUMENTS Continued...

<u>PATENT NO.</u>	<u>INVENTOR</u>	<u>ISSUE DATE</u>
5,117,355	McCarthy	05/26/92
5,119,294	Tanaka	06/02/92
5,119,295	Kapur	06/02/92
5,124,909	Blakely et al.	06/23/92
5,128,520	Rando et al.	07/07/92
5,128,752	Von Kohorn	07/07/92
5,128,861	Kagami et al.	07/07/92
5,131,039	Chaum	07/14/92
5,133,075	Risch	07/21/92
5,136,501	Silverman et al.	08/04/92
5,144,663	Kudelski et al.	09/01/92
5,151,789	Young	09/29/92
5,155,591	Wachob	10/13/92
5,158,310	Tannehill et al.	10/27/92
5,159,549	Hallman, Jr. et al.	10/27/92
5,162,989	Matsuda	11/10/92
5,168,445	Kawashima et al.	12/01/92
5,173,594	McClure	12/22/92
5,173,851	Off et al.	12/22/92
5,176,224	Spector	01/05/93
5,182,640	Takano	01/26/93
5,185,695	Pruchnicki	02/09/93
5,187,787	Skeen et al.	02/16/93
5,192,854	Counts	03/09/93
5,193,056	Boes	03/09/93
5,198,644	Pfeiffer	03/30/93
5,200,823	Yoneda et al.	04/06/93

PREVIOUSLY SUBMITTED U.S. PATENT DOCUMENTS Continued...

<u>PATENT NO.</u>	<u>INVENTOR</u>	<u>ISSUE DATE</u>
5,200,993	Wheeler et al.	04/06/93
5,202,826	McCarthy	04/13/93
5,214,792	Alwadish	05/25/93
5,220,420	Hoarty et al.	06/15/93
5,220,501	Lawlor et al.	06/15/93
5,220,657	Bly et al.	06/15/93
5,227,874	Von Kohorn	07/1993
5,230,048	Moy	07/20/93
5,231,493	Apitz	07/27/93
5,231,494	Wachob	07/27/93
5,231,568	Cohen et al.	07/27/93
5,235,509	Mueller et al.	08/10/93
5,237,157	Kaplan	08/17/93
5,237,496	Kagami et al.	08/17/93
5,237,499	Garback	08/1993
5,237,620	Deaton	08/07/93
5,239,480	Huegel	08/24/93
5,243,174	Veeneman et al.	09/07/93
5,245,533	Marshall	09/1993
5,245,656	Loeb et al.	09/14/93
5,249,044	Von Kohorn	09/1993
5,250,789	Johnsen	10/05/93
5,251,324	McMullan, Jr.	10/05/93
5,256,863	Ferguson et al.	10/26/93
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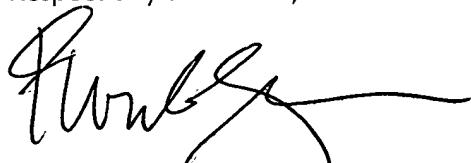
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